



**ASSEMBLY AMENDMENT 23,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 768**

May 6, 1998 - Offered by Representatives ZIEGELBAUER and STASKUNAS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 11, line 13: before "wage" insert "alcohol beverage "Class B" and  
3 reserve "Class B" licenses and operators' licenses;".

4 **2.** Page 297, line 9: after that line insert:

5 "SECTION 369rd. 125.04 (12) (a) of the statutes, as affected by 1997 Wisconsin  
6 Act 27, is amended to read:

7 125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit  
8 may be transferred to another place or premises within the same municipality. An  
9 alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53  
10 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to  
11 another premises within this state. Transfers shall be made by the issuing authority  
12 upon payment of a fee of \$10. No retail licensee, retail permittee, intoxicating liquor

1 wholesaler or holder of a warehouse or winery permit is entitled to more than one  
2 transfer during the license or permit year. This paragraph does not apply to a license  
3 issued under s. 125.51 (4) (v) ~~or to a reserve “Class B” license, as defined in s. 125.51~~  
4 ~~(4) (a).~~

5 **SECTION 369rh.** 125.17 (1) of the statutes, as affected by 1997 Wisconsin Act  
6 27, is amended to read:

7 125.17 (1) AUTHORIZATION. Every municipal governing body ~~shall~~ may issue an  
8 ~~operator’s license to any applicant who is qualified under s. 125.04 (5) operators’~~  
9 licenses. Operators’ licenses may not be required other than for the purpose of  
10 complying with ss. 125.32 (2) and 125.68 (2). Operators’ licenses may be issued only  
11 upon written application.

12 **SECTION 369rp.** 125.51 (3) (e) 1. of the statutes, as affected by 1997 Wisconsin  
13 Act 27, is renumbered 125.51 (3) (e) and amended to read:

14 125.51 (3) (e) ~~Except as provided in subds. 2. and 3., the~~ The annual fee for a  
15 “Class B” license shall be established by the municipal governing body and shall be  
16 the same for all “Class B” licenses, except that the minimum fee shall be \$50 and the  
17 maximum fee shall be \$500. The minimum fee does not apply to licenses issued to  
18 bona fide clubs and lodges situated and incorporated in the state for at least 6 years.

19 **SECTION 369rt.** 125.51 (3) (e) 2. and 3. of the statutes, as created by 1997  
20 Wisconsin Act 27, are repealed.

21 **SECTION 369sd.** 125.51 (4) (a) 4. of the statutes, as created by 1997 Wisconsin  
22 Act 27, is repealed.

23 **SECTION 369sh.** 125.51 (4) (b) (intro.) and 1g. of the statutes, as affected by 1997  
24 Wisconsin Act 27, are consolidated, renumbered 125.51 (4) (b) (intro.) and amended  
25 to read:

1           125.51 (4) (b) (intro.) ~~The Except as provided in pars. (c) and (d), the quota of~~  
2           each municipality is the sum of the following: 1g. The number of licenses granted  
3           or issued in good faith by the municipality and in force on the first day of the 2nd  
4           month beginning after the effective date of this subdivision .... [revisor inserts date].  
5           under s. 176.05 (21) (h), 1975 stats., plus whichever of the following is the largest:

6           **SECTION 369sp.** 125.51 (4) (b) 1., 2., 3., 4. and 5. of the statutes are created to  
7           read:

8           125.51 (4) (b) 1. One license per 500 population or fraction thereof.

9           2. The number of licenses lawfully issued and in force within the municipality  
10          on August 27, 1939.

11          3. The number of licenses lawfully issued and in force within the municipality  
12          in the previous year.

13          4. In the case of a village or city incorporated since August 27, 1939, one license  
14          per 500 population or fraction thereof at the time of incorporation.

15          5. In the case of any municipality incorporated or organized since August 27,  
16          1939, the number of licenses lawfully issued and in force in the territory within the  
17          municipality at the time of incorporation or organization.

18          **SECTION 369st.** 125.51 (4) (b) 1m., (bm) and (br) of the statutes, as created by  
19          1997 Wisconsin Act 27, are repealed.

20          **SECTION 369td.** 125.51 (4) (c), (d) and (f) to (u) of the statutes are created to  
21          read:

22          125.51 (4) (c) If territory containing premises covered by a license is annexed  
23          to the municipality and if the municipality's quota would not otherwise allow licenses  
24          for the premises, the quota shall be increased to include a license for each premises  
25          in the annexed territory.

1           (d) Detachment of territory shall decrease the quota of the remainder of the  
2           municipality by the number of premises covered by licenses existing in the detached  
3           territory, except that detachment shall not decrease the quota of the remainder to  
4           less than one license per 500 persons or less than one license.

5           (f) Notwithstanding the quota of a town, licenses issued by the town under s.  
6           176.05 (21) (k), 1979 stats., remain valid and may be renewed by the town board, but  
7           the town board may not issue any new “Class B” licenses until the total number of  
8           licenses is less than the quota.

9           (g) Notwithstanding the quota of a municipality, its governing body may, by a  
10          three-fourths vote of its members, issue a license limited to the sale of wine for  
11          consumption only on the premises to any person engaged in preserving a place of  
12          historic significance built during the state’s first 5 years of statehood and operating  
13          the place as a restaurant.

14          (h) Notwithstanding the quota of a municipality, its governing body may, by a  
15          three-fourths vote of its members, issue a license to any restaurant existing on  
16          August 7, 1977, with a museum having permanent exhibition space open to the  
17          public at least 3 times the area of the restaurant, whether or not the museum existed  
18          on August 7, 1977.

19          (i) Notwithstanding the quota of the municipality, licenses issued under s.  
20          176.05 (21) (h), 1979 stats., remain valid and may be renewed by the municipality.

21          (j) Each municipality that issues “Class B” licenses shall issue a “Class B”  
22          license to any club which, on June 30, 1982, held a “Class B” license issued by the  
23          department under s. 176.05 (4a), 1979 stats. Licenses issued under this paragraph  
24          shall be renewed annually, upon application, unless revoked under s. 125.12. The

1 quota of a municipality is permanently increased by the number of licenses it issues  
2 under this paragraph.

3 (k) Notwithstanding the quota of a town, the town board may issue a license  
4 to any of the following:

5 1. An outdoor theater operated by a professional repertory theater company  
6 most of whose productions consist of classical drama.

7 2. A conference center and restaurant used by the staff and patrons of a  
8 professional repertory theater company for lodging and meetings.

9 (L) Notwithstanding the quota of a town, the town board may issue a license to  
10 a person operating a ski chalet on property owned by the state.

11 (m) Notwithstanding the quota of a municipality, its governing body may, by  
12 a three-fourths vote of its members, issue a license to any restaurant with a museum  
13 having permanent exhibition space open to the public at least 3 times the area of the  
14 restaurant if the building housing the museum was built during the first 8 years of  
15 statehood or earlier.

16 (n) Notwithstanding its quota, a village may issue a license for a hotel owned  
17 by an American Indian tribe.

18 (o) Notwithstanding its quota, a village may issue a license for a motel located  
19 on a lake which is the headwaters of a river which is part of the border between this  
20 state and Minnesota.

21 (p) Notwithstanding its quota, a town which borders on a lake, is adjacent to  
22 a 2nd class city and is located in a county with a population of 300,000 or more may  
23 issue a license for a tavern which is covered by a Class "B" license on December 8,  
24 1987, if the tavern is not located within 500 feet of a lake.

1 (q) Notwithstanding the quota of a municipality, its governing body may issue  
2 a license to persons conducting business at a racetrack, as defined in s. 562.01 (12).

3 (r) Notwithstanding its quota, a village may issue a license to a post of a  
4 veteran’s organization for a building that was rebuilt after being destroyed by a  
5 tornado.

6 (s) Notwithstanding the quota of a municipality, its governing body may issue  
7 a license to a restaurant and public golf course situated on at least 200 acres of land,  
8 if the restaurant and public golf course are located adjacent to STH 57.

9 (sm) Notwithstanding the quota of a town, the town board may issue a license  
10 to a person who owns a building located at the intersection of STH 11 and STH 80  
11 in Grant County, if the person had a license under sub. (3) issued to him or her  
12 previously.

13 (t) 1. Notwithstanding the quota of a municipality, its governing body may issue  
14 a license to a restaurant that was established in 1949 and is located on STH 42 across  
15 from a town park.

16 2. No license may be issued under subd. 1. after July 29, 1995, but a license  
17 issued under subd. 1. before July 29, 1995, may be renewed.

18 (u) 1. Notwithstanding the quota of a municipality, its governing body may  
19 issue a license to a corporation that holds a Class “B” license, a “Class C” license and  
20 a “Class A” license since January 1, 1992, if the licenses are issued by that governing  
21 body.

22 2. No license may be issued under subd. 1. after September 1, 1995, or 30 days  
23 after July 29, 1995, whichever is later, but a license issued under subd. 1. on or before  
24 September 1, 1995, or on or before 30 days after July 29, 1995, whichever is later, may  
25 be renewed.”.

